

Environmental Protection Agency

§ 163.2

(ii) Sec. 12(a)(2) (A) through (G) and (I) through (P).

(2) A product or use classified by a State for restricted use under § 162.153(g) may be used only by, or under the direct supervision of, an applicator certified under a plan approved by EPA in accordance with sec. 4 of FIFRA.

(3) State registrations which are not issued in accordance with § 162.152 (a) and (b)(2) (i), (ii) and (iii) are not authorized by section 24(c) and are not considered valid for any purposes under FIFRA. When the Administrator determines that a registration is invalid, the Administrator shall notify the registering State that the registration is invalid, and may specify the reason for the invalidity.

(b) *Establishment registration requirements.* No person may produce any pesticide, including any pesticide registered by a State under section 24(c), unless the establishment in which it is produced is registered by the Administrator in accordance with sec. 7 of FIFRA and 40 CFR part 167.

(c) *Books and records requirements.* All producers of pesticides, including those producers of pesticides registered by States under sec. 24(c), must maintain records in accordance with the requirements imposed under sec. 8 of FIFRA and 40 CFR part 169.

Subpart E—[Reserved]

PART 163—CERTIFICATION OF USEFULNESS OF PESTICIDE CHEMICALS

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SOURCE: 36 FR 22533, Nov. 25, 1971, unless otherwise noted.

§ 163.1 Words in the singular form.

Words in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 163.2 Definitions.

Unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

(a) *Act* means the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), as amended by Pub. L. 518, 83d Congress, 2d Session, "An Act to amend the Federal Food, Drug, and Cosmetic Act with respect to residues of pesticide chemicals in or on raw agricultural commodities" (68 Stat. 511).

(b) *Director* means the Director of the Pesticides Regulation Division, Environmental Protection Agency, Washington, D.C.

(c) *Agency* means the Environmental Protection Agency.

(d) *Pesticide chemical* and *raw agricultural commodity* shall have the same meanings as they have in paragraphs (q) and (r), respectively, of section 201 of the Act.

(e) *Economic poison* shall have the same meaning as it has under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135-135k) and the regulations issued thereunder.

(f) *Person* means individuals, partnerships, corporations, and associations.

(g) *Certification* means a certification by the Director that a pesticide chemical is useful for the purpose for which a tolerance or exemption is sought under the act.

(h) *Petition* means a petition filed with the Administrator, Environmental Protection Agency pursuant to section 408(d)(1) of the Act.

[36 FR 22533, Nov. 25, 1971, as amended at 53 FR 15999, May 4, 1988]